

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FAHEEM DAVIS,

Plaintiff,

v.

CHRISTOPHER THOMAS, Director of
C.M.R.,

Defendant.

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CIVIL ACTION NO. 23-170

ORDER

AND NOW, this 27th day of January, 2023, after considering the application for leave to proceed *in forma pauperis* (Doc. No. 1), complaint (Doc. No. 2), and prisoner trust fund account statement (Doc. No. 3) filed by the *pro se* plaintiff, Faheem Davis; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The application for leave to proceed *in forma pauperis* (Doc. No. 1) is **GRANTED**, and the plaintiff has leave to proceed *in forma pauperis*;

2. Faheem Davis, #LS-9828, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The court directs the Superintendent of SCI-Frackville or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Davis's inmate account; or (b) the average monthly balance in Davis's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this order to the court with a reference to the docket number for this case. In each succeeding month when the amount in Davis's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward

payments to the clerk of court equaling 20% of the preceding month's income credited to Davis's inmate account until the fees are paid. Each payment shall refer to the docket number for this case;

3. The clerk of court is **DIRECTED** to **SEND** a copy of this order to the Superintendent of SCI-Frackville;

4. The complaint (Doc. No. 2) is **DEEMED** filed;

5. The complaint is **DISMISSED WITH PREJUDICE** to the extent that the plaintiff sought recalculation of his credit while in pretrial detention, and **DISMISSED WITHOUT PREJUDICE** to the extent the plaintiff sought monetary relief; and

6. The clerk of court shall **CLOSE** this case.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.